



FW: Revisions to FW: Discussion with EPA Region 6 on ISR regulation n Texas (Agreement State)

Striz, Elise to: Ray Leissner, Philip Dellinger
Cc: "VonTill, Bill"

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From: "Striz, Elise" <Elise.Striz@nrc.gov>
To: Ray Leissner/R6/USEPA/US@EPA, Philip Dellinger/R6/USEPA/US@EPA
Cc: "VonTill, Bill" <Bill.VonTill@nrc.gov>
History: This message has been replied to.

Hi Ray and Phil ,

Please see my revisions to your summary below. I had to change a few parts of the text to clarify our regulations and provide our language. Please note we use "ISR" instead of "ISL", and also "extraction " in place of. "mining" (NRC doesn't regulate mining)). As you noted, it is very important that we make it clear that NRC does not have an active role in the licensing and regulating of ISR operations in Agreement states like Texas.

If you have any questions, please let me know.

Thanks,
Elise

Record of Call – Elise Striz, NRC, 6-5-12

In response to Sam's question, I contacted John Meyer and then Ghassan Khoury to discuss the NRC/uranium extraction issues, but they are out of the office. In the meantime, Ray Leissner and I called Elise Striz of the NRC to discuss the NRC restoration requirements for ISR uranium extraction and learned the following:

NRC does not regulate or license ISR facilities in Agreement states. For NRC licensed ISR facilities in non-Agreement states, NRC recently clarified its ground water protection standards for ground water restoration at ISR wellfields in 2000 thru a regulatory issue summary (RIS 09-05). RIS 09-05 states that all NRC licensed ISRs must restore groundwater to the 10 CFR Part 40 Appendix A 5B(5) criterion which is background or MCLs, whichever is higher, or an alternate concentration limit (ACL) which must be approved by NRC. NRC has not yet processed an ACL application for any ISRs currently licensed by NRC, but expects to receive an ACL application for a restored ISR wellfield from an NRC licensee in Wyoming. If a licensee files an ACL application for a restored ISR wellfield, it may provide NRC with a fate and transport model to demonstrate that the proposed ACLs will not lead to a violation of the groundwater protection standards at the point of exposure, which is defined as the aquifer exemption boundary. NRC stated that EPA's Office of Air and Radiation is currently undertaking a 40CFR Part 192 rulemaking which will promulgate new ground water protection standards specific to ISRs. Once the rulemaking is completed, NRC will develop new regulations which conform with the EPA 40 CFR Part 192 rulemaking.

In terms of consistency with NRC, our exemption requirements related to offsite ground water must be applied prior to uranium extraction in an ISR wellfield. NRC may review fate and transport models as part of an ACL application after uranium extraction and restoration in an ISR wellfield is completed. Therefore, we can't be

completely consistent. However we learned the following relevant info from Elise:

Texas is an “agreement state”, which essentially means the program has been delegated from NRC to Texas. As in the UIC program, NRC does not have site by site oversight of the Texas program, but performs program assessments every [four](#) years. NRC does not approve restoration on a site-by-site basis in Texas, as suggested in TCEQ's response. [NRC does, however, verify that all applicable standards have been met when a license is terminated in an Agreement state.](#)